

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMAURA ROBLES and IDA Z. BRAVO,  
Plaintiffs,

v.

THE ESTATE OF SOTIRIOS KOLLIAS, by its  
Executors, DEMETRA DOUMAS, MARIA  
KOLLIA a.k.a. MARIA KOLLIAS, and TASIA  
MELLAS; DEMETRA DOUMAS; MARIA  
KOLLIA a.k.a. MARIA KOLLIAS; DANIELLE  
KOLLIAS; and THE ARGONAUT  
RESTAURANT AND DINER, INC.,  
Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 5/24/22  
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**ORDER**

20 CV 4200 (VB)

On May 16, 2022 (re-filed on May 20, 2022), defendant Danielle Kollias filed a second post-answer motion to dismiss in this case. (Doc. #124). The motion is procedurally defective for the following reasons:

1. Defendant Danielle Kollias already answered plaintiffs' amended complaint (Doc. #89). The fact that she was proceeding *pro se* at the time does not create an exception to the Federal Rules of Civil Procedure.
2. The motion, although titled a motion to dismiss, is effectively a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Among other things, a Rule 56 motion requires the filing of a statement of undisputed material facts pursuant to Local Civil Rule 56.1. No such statement was filed.
3. In anticipation of her motion for summary judgment, defendant Danielle Kollias was required to request a pre-motion conference under Paragraph 2.B.ii of Judge Briccetti's Individual Practices. She did not do so.

Accordingly, the motion is DENIED WITHOUT PREJUDICE.

Following the completion of discovery, any party—including defendant Danielle Kollias—may request a pre-motion conference in anticipation of filing a motion for summary judgment.

By Order dated April 12, 2022 (Doc. #115), in response to a joint letter submitted on behalf of all parties (Doc. #114) and in light of the settlement conference scheduled before Judge Krause on May 18, 2022, the Court adjourned without date the case management conference originally scheduled for April 27, 2022. The April 12 Order directed the parties to

submit a joint letter updating the Court regarding their settlement discussions by May 25, 2022. The parties remain obligated to submit a joint letter by the May 25 deadline.

Because defendant Danielle Kollias's repeated procedurally defective motions have wasted both the Court's time and the time of the other attorneys in this case, if counsel for defendant Danielle Kollias files a third procedurally defective motion, the Court may impose financial sanctions against her.

By May 25, 2022, counsel for defendant Danielle Kollias shall provide a copy of this Order to her client and shall file proof of service of same on the ECF docket.

The Clerk is instructed to terminate the motion. (Doc. #124).

Dated: May 24, 2022  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge